

IN THE MATTER OF THE SEARCH OF:  
TWO (2) US PRIORITY MAIL PARCELS,  
TRACKING NO. 9505 5138 1161 0200 4310 38,  
and TRACKING NO. 9505 5138 1161 0200 4310 69.

**AFFIDAVIT**

I, Robert Wagner, being duly sworn, depose and say as follows:

**A. Background of Affiant**

1. I am a U.S. Postal Inspector assigned to investigate crimes related to the mail, including the use of the U.S. Mail to unlawfully transport contraband materials, and I have been employed in this capacity since 2006. I am currently assigned to the Knoxville Domicile of the U.S. Postal Inspection Service's Atlanta Division.

2. I am an "Investigative or Law Enforcement Officer" within the meaning of Title 18 and Title 21, United States Code, Section 3061 that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18 and Title 21, United States Code, Section 3061.

3. I have conducted investigations of the mailing of controlled substances into the states of Tennessee, Washington and the Territory of Guam. I have participated both as a case agent and co-case agent with respect to controlled deliveries of contraband and the execution of search warrants with respect to drugs and scheduled controlled substances as well as investigations into drugs trafficking cases in Tennessee, Washington State and the Territory of Guam. I have received formal, informal and on the job training from U.S. Postal Inspectors, Assistant United States Attorneys, the Drug Enforcement Administration, and other law enforcement agents who have done extensive work regarding the investigations into the sales, distribution, and manufacture of controlled substances, as well as involving the proceeds from the sales of controlled substances.

4. I know from my training, knowledge, and experience that the importers and distributors of controlled substances often utilize the U.S. Postal Service to facilitate the distribution of controlled substances. Such mail will come from foreign or domestic places of origin and will be typically sent by either Express Mail or Priority Mail with a USPS tracking number, or First-Class Mail.

5. The information contained within this affidavit is based upon my personal observations, training, and on information related to me by other law enforcement officers and investigators as set forth more fully herein. Because the purpose of this affidavit is to set forth probable cause, your affiant has not set forth each and every fact known to me in connection with this investigation.

6. Based on my training, experience, and consultations with other law enforcement officers experienced in drug investigations, I know that certain indicators exist when persons are using the U.S. Mail system to send prohibited controlled substances from one location to another. Indicators for packages that contain controlled substances and/or the proceeds from controlled substances include, but are not limited to the following:

a. It is common for senders of controlled substances, and/or the proceeds from the sales of these, to use Express and Priority Mail because the substances or proceeds arrive faster and on a predictable date, thereby allowing the senders to keep track of the shipment or proceeds of controlled substances.

b. When the senders mail controlled substances from a particular area/state, the proceeds from the sale of these controlled substances may be returned to the shipper. There are known source states for controlled substances mailed to Tennessee (e.g., California, Colorado, Texas, Florida and Washington),

where controlled substances are typically mailed from major metropolitan areas. Foreign countries have also shown to be sources for different substances.

c. A sender may sometimes mail the package containing controlled substances from an area different from the return address on the package because either: 1) the return address is fictitious/incomplete or associated to a vacant lot or house; and/or 2) the shipper is attempting to conceal the actual location that the package was being mailed from in order to avoid detection. Additionally, there are frequently misspellings and mistakes on the label indicative of someone filling out the address label who is not a resident of the return address (i.e. a “runner” or fictitious address).

d. These packages in many instances contain a fictitious return address; no return address; an actual address associated with a vacant lot or house; or the return address that is the same as the addressee address. These packages are also sometimes addressed to or from a Commercial Mail Receiving Agency (i.e. UPS Store and Mailboxes Etc). A sender may also use a legitimate business for the return address. This is done in order to conceal from law enforcement the identity of the person(s) shipping and/or receiving the controlled substances.

e. Express Mail packages containing drugs usually contain a “Signature Waiver,” which allows the package to be left at a location without requiring anyone to sign for the package. Person to person Express Mail packages rarely contain a signature waiver because this level of service is usually reserved for very important items that the sender would want to ensure someone was present for at time of delivery.

f. I know from my training, experience, and discussions with other law enforcement officers that the following controlled substances are likely to be found during package interdiction operations:

marijuana, methamphetamines, cocaine, LSD, psilocybin mushrooms, heroin, opium, MDMA, and the proceeds from the sales of these controlled substances.

g. I know from training, experience, and discussions with other law enforcement officers that these packages sometimes contain information and paperwork related to the sales and distribution of controlled substances. This paperwork can include, but is not limited to, information on the use and effects of the various controlled substances; the price for the controlled substance; the quality of the controlled substances; information on the actual sender; and information and instructions for ordering future controlled substances. These packages also sometimes contain smaller packages that are pre-addressed for mailing to secondary addresses after they have met their initial destination.

**B. Purpose of Affidavit**

7. This affidavit is submitted in support of a request for a search warrant to search two parcels:

**(1) a U.S. Priority Mail Parcel bearing label #9505 5138 1161 0200 4310 38** (hereinafter "FORT HENRY PARCEL") and addressed as follows: (See Exhibit A).

**FROM:**  
Jerry Acosta  
399 John Vickers Ct.  
El Centro, CA 92243

**TO:**  
Cynthia Lawrence  
5860 Fort Henry Dr., #3  
Kingsport, TN 37663

**(2) a U.S. U.S. Priority Mail Parcel bearing label #9505 5138 1161 0200 4310 69** (hereinafter "MYRTLE STREET PARCEL" and addressed as follows: (See Exhibit A)

**FROM:**  
Jerry Acosta  
399 John Vickers Ct.  
El Centro, CA 92243

**TO:**  
Vicky Reynolds  
506 East Myrtle Ave.  
Johnson City, TN 37601

8. Based on the following facts and my knowledge and training I believe the **FORT HENRY PARCEL** and **MYRTLE STREET PARCEL** will contain some or all of the following items:

- a. Controlled substances held in violation of 21 U.S.C. §§ 841 (a) (1) and 846, and § 843(b).
- b. Items of personal property which tend to identify the person(s) in possession, control, or ownership of the package that is the subject of the search warrant.
- c. Proceeds from the sale of controlled substances held in violation of 21 U.S.C. §§ 841 (a) (1) and 846, and § 843(b), relating to using or attempting to use the United States Mail to distribute controlled substances.

C. **Relevant Facts Pertaining to the parcels**

9. On July 18, 2020, while reviewing postal service databases, I noticed two suspicious mailing to the Tri-Cities, Tennessee area from El Centro, CA. The FORT HENRY PARCEL and MYRTLE STREET PARCEL were mailed at the same time from the same post office in Calexico, CA. The El Centro and nearby Calexico area of California is known to be a sources area for controlled substances due to its close proximity to Mexico. I am currently tracking parcels mailed to the Tri-Cities area from this area of California as part of an ongoing investigation of methamphetamine trafficking.

10. On July 6, 2020 I obtained a warrant to search a similarly sized package that was mailed from Calexico, California to Gray, Tennessee. That package was found to contain 3.10 pounds of a substance that field-tested positive for methamphetamine.

11. On July 20, 2020, I intercepted the FORT HENRY PARCEL and MYRTLE STREET PARCELS from the mailstream.

12. On July 21, 2020, at the Johnson City, DEA Office, I arranged the FORT HENRY PARCEL and MYRTLE STREET PARCLE in lineups of other similarly sized and colored boxes and presented them for external examination to drug detection canine controlled by Johnson City Police Department K9 handler Jeff LeGault. Legault informed me that his assigned K9, "Pico," did positively alert to the presence of narcotics in both the FORT HENRY PARCEL and MYRTLE STREET PARCEL.

13. Pico and his handler, Officer LeGault, have been certified by the NAPWDA (North American Police Work Dog Association), most recently in March of 2020, when they were accredited for narcotics detection of marijuana, methamphetamine, cocaine and heroin. I know from my training and experience that properly trained canine officers accurately and reliably alert for the presence of narcotics in this type of controlled environment.

14. After Pico alerted on the parcels, I took them into protective custody and have maintained them in an unopened state.

PROBABLE CAUSE STATEMENT

Wherefore, based upon the information contained in this application and affidavit, I believe there is probable cause to believe the FORT HENRY PARCEL and MYRTLE STREET PARCEL described in Attachment A contain evidence of a crime, contraband, fruits of crime, or other items illegally possessed, or property designed for use, intended for use, or used in committing a crime, including violations of 21 U.S.C. § 843(b), § 841(a)(1), and § 846 and the use or attempted use of the United States Mail to distribute controlled substances and permission is sought to search for the same.

**FURTHER AFFIANT SAYETH NAUGHT.**

  
\_\_\_\_\_  
ROBERT WAGNER, United States Postal Inspector  
Applicant's signature  
Printed name and title

Subscribed and sworn to before me telephonically on:

Date: 07/21/2020

City and State: Chattanooga, Tennessee

  
\_\_\_\_\_  
SUSAN K. LEE  
U.S. MAGISTRATE JUDGE  
Judge's signature

## ATTACHMENT A

Two (2) U.S. Priority Mail Parcels currently located at the DEA office in Johnson City, Tennessee and further described and depicted below:

(1) a mailing box bearing USPS tracking number 9505 5138 1161 0200 4310 38, addressed:

**FROM:**  
Jerry Acosta  
399 John Vickers Ct.  
El Centro, CA 92243

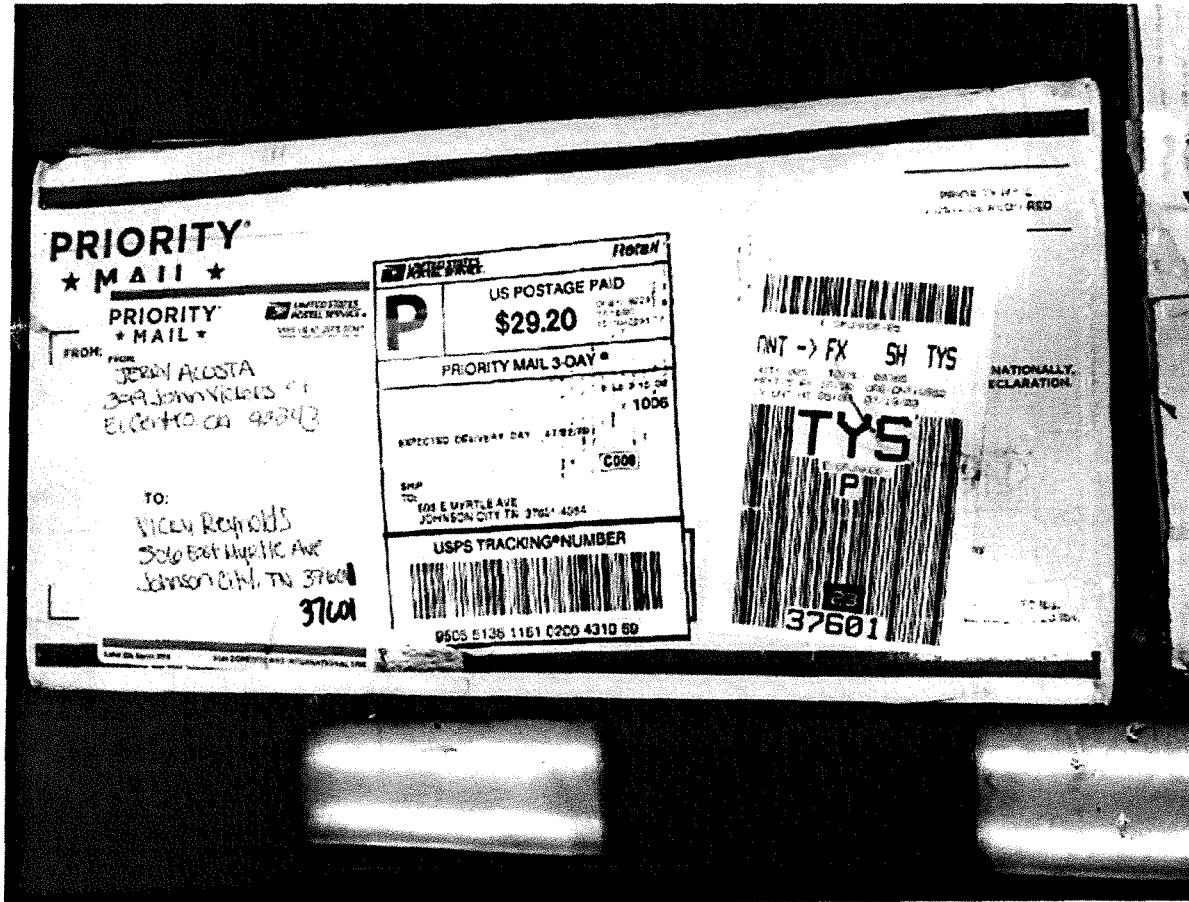
**TO:**  
Cinthia Lawrence  
5860 Fort Henry Dr., #3  
Kingsport, TN 37663



(2) a mailing box bearing USPS tracking number 9505 5138 1161 0200 4310 69, addressed:

**FROM:**  
Jerry Acosta  
399 John Vickers Ct.  
El Centro, CA 92243

**TO:**  
Vicky Reynolds  
506 East Myrtle Ave.  
Johnson City, TN 37601



## ATTACHMENT B

### Items to be seized:

- a. Controlled substances held in violation of 21 U.S.C. §§ 841 (a) (1) and 846, and § 843(b).
- b. Items of personal property which tend to identify the person(s) in possession, control, or ownership of the package that is the subject of the search warrant.
- c. Proceeds from the sale of controlled substances held in violation of 21 U.S.C. §§ 841 (a) (1) and 846, and § 843(b), relating to using or attempting to use the United States Mail to distribute controlled substances.

Basis for delayed notice under 18 U.S.C. 3103(b):

Notifying the owner of the package of this search warrant could jeopardize the controlled delivery and subsequent drug investigation. The delivery is scheduled for July 21, 2020 and the resulting investigation will likely take two weeks or up to one month to conclude.